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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/765,782	01/19/2001	Guido M. Campagna	(AC 055) ITT-446-B	1375

7590 01/28/2004

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EXAMINER

HOOK, JAMES F

ART UNIT PAPER NUMBER

3752

DATE MAILED: 01/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/765,782

Applicant(s)

CAMPAGNA ET AL.

Examiner

James F. Hook

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,33,34,36-41 and 43-61 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,33,34,36-41 and 43-61 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 33, 34, 36-41, and 43-61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iorio (223) in view of Kitamura (354). The reference to Iorio et al discloses the recited metal layer tube comprising a metal tube 52, a zinc layer 54 bonded to the metal tube, where the zinc layer can be zinc plating or other alloys of zinc, a surface treatment layer 56 of chromate or phosphate, a layer 58 that can be placed considered the first polymeric layer and can be formed of a nylon material, and second polymeric layer 60, where additional layers 62 can be provided if desired, where the thicknesses and materials claimed including the limitations of claims 37, 38 are disclosed in the reference, and included also in the teachings of the reference are the method to form it which includes extruding the plastic layers. The reference to Iorio et al discloses all of the recited structure with the exception of including phenols, specifically carboic acid in the primer layer where the phenol is capable of being sprayed. The reference to Kitamura discloses the recited plastic coating composition used to coat metal plates 1 that can be formed into tube shapes comprising a zinc coating on the metal plate, a treating layer using phosphoric or chromic acids

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which is considered the equivalent of a chromate or phosphate treatment, a primer layer can be provided next, where the primer layer can contain phenols, where carbolic acid is a known phenol and would merely be a choice of mechanical expedients to use carbolic acids, and where such is a sprayable, and where such a primer provides a layer which adheres well to the metal layers and layers of polyamides to allow for better connection of the two. It would have been obvious to one skilled in the art provide a primer layer in Iorio including sprayable phenols such as carbolic acid to give the primer layer better adhering properties for connecting polyamide layers to treated metal layers as suggested by Kitamura.

Claims 1, 34, 40, 41, and 44-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kitamura (354) in view of Iorio (223). The patent to Kitamura discloses all of the recited structure with the exception of providing a plurality of polymeric layers to the treated metal plate formed into a pipe shape. The patent to Iorio discloses all of the structure set forth above and it would have been obvious to one skilled in the art to modify the pipe in Kitamura by providing a plurality of polymeric layers to the outside of the treated metal pipe as such would provide further protection against corrosion as suggested by Iorio.

Claims 33, 36-39, 43, and 51-61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kitamura (354) in view of Iorio (223) as applied to claims 1, 34, 40, 41, and 44-50 above, and further in view of Kobayashi. The patent to Kitamura as modified discloses all of the recited structure with the exception of setting forth a specific type of phenol to use for the primer layer.

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The patent to Kobayashi discloses the recited coated metal plate formed into a pipe shape comprising a metal plate treated with zinc, which can be chromic acid treated, and further provided with a phenol layer which can be formed from specific phenols such as carbolic acid to further enhance the adhesion of polyamide connecting layers to form the pipe shape. It would have been obvious to one skilled in the art to modify the phenols in Kitamura as modified to be carbolic acid as such are old and well known phenols used to enhance adhesion of a polyamide layer to the treated plate to form a pipe shape as suggested by Kobayashi.

Response to Arguments

Applicant's arguments with respect to claims 1, 33, 34, 36-41, and 43-61 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patents to Mori and Kitamura (031) disclosing state of the art coated metal substrates.

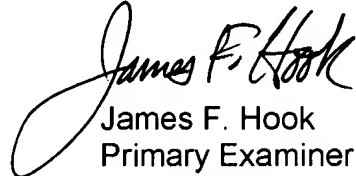
Any inquiry concerning this communication or earlier communications from the examiner should be directed to James F. Hook whose telephone number is (703) 308-2913. The examiner can normally be reached on Monday to Wednesday, work at home Thursdays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Mar can be reached on (703) 308-2087. The fax

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phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0861.


James F. Hook
Primary Examiner
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JFH